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February 4, 2021

Hon. Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: **U.S. v. John Tortora,**
18 Cr. 537 (SHS)

Dear Judge Stein:

We write on John Tortora's behalf to: (1) to request an adjournment of the date for Mr. Tortora's *Fatico* hearing, (2) to inform the Court that we have reached an agreement with the government on the exchange of material in advance of that hearing and (3) to request that the Court modify Mr. Tortora's home confinement. The government does not object to the requested bail modification.

1. By Order dated December 11, 2020 (Doc 118), the Court scheduled Mr. Tortora's *Fatico* hearing for March 1, 2021. Because of continuing concerns related to the Covid-19 pandemic, with the government's consent, we request an adjournment of that hearing until any day the week of June 7, 2021, subject to the Court's availability.

2. We have agreed that the parties will exchange Rule 26.2 and 3500 material two weeks prior to the scheduled date of the hearing.

3. The government does not object to the modification of Mr. Tortora's bond from home incarceration to a curfew as may be set by pretrial services. Since Mr. Tortora's March 20, 2020 release on a two million dollar secured bond, he has been compliant with all his release terms. The ordered electronic monitoring would remain in place so Pretrial can enforce an evening curfew. The government has already consulted with Mr. Tortora's pretrial officer.

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ATTORNEYS AT LAW

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We therefore respectfully request that the Court set a date for Mr. Tortora's *Fatico* hearing and modify the terms of Mr. Tortora's release to replace home incarceration with home curfew to be set in the discretion of Pretrial Services.

Respectfully submitted,



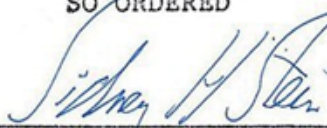
Nicholas G. Kaizer
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Barry Levin Esq.
Attorneys for John Tortora

cc: AUSA Justin Rodriguez
AUSA Christopher Clore
AUSA Lauren Schorr Potter
USPO Gianfranco Furelli

The *Fatico* hearing is adjourned to June 10, 2021, at 11:00 a.m. Defendant's request to modify the terms of his release to replace home incarceration with home curfew to be set at the discretion of pretrial services is granted.

**Dated: New York, New York
February 4, 2021**

SO ORDERED


SIDNEY H. STEIN
U.S.D.J.